

the FBI to ask that a category be created, and I have written to the GAO asking that a study be done of such deaths throughout the country, because clearly what we found here is nationwide.

What is our answer this afternoon? Our answer is a clearly unconstitutional bill that defines a fetus as a person, in direct in-your-face violation of *Roe v. Wade*. There is a real problem out there. That problem is here in the Nation's capital. It is in your districts as well.

The substitute, the Lofgren substitute, gives us an opportunity to do something about a horrible crime, rather than play the same old abortion politics we have been playing ever since *Roe v. Wade*. In the name of nameless murdered pregnant women, unnoted even in the crime records, let us seize the opportunity to pass a constitutional bill that will help eliminate a crime of immense and unspeakable seriousness.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LATOURETTE). The Chair would remind all Members and persons in the Chamber that it is the Speaker's policy that all audible devices be disabled before entering the House Chamber.

Mr. CHABOT. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Speaker, I would say that I respect the right of the gentlewoman from California (Ms. LOFGREN) to take the position she does. But let me address it as a father myself of two beautiful daughters and an adopted son.

If my wife was attacked and she was pregnant, or my daughters, and they both survived, then I would support the enhancement clause that the gentlewoman is trying to put in here. If either my wife or the unborn child was killed, then I would want justice, not enhancement. As a father, to know that a child that I was going to have that would not be born in this life because of some criminal act, I feel that that is wrong.

In Bosnia there was a Muslim that offered a private a child and says, "Help me get my child to the hospital." On the way, the Muslim man said that, "Help me, private." The point is that they are all our children.

Ms. LOFGREN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to note that the Lofgren-Conyers amendment is not a sentencing enhancement measure; it is a second offense that is prosecuted and hopefully convicted in the case of heinous crime.

Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. HOEFFEL).

Mr. HOEFFEL. Mr. Speaker, I thank the gentlewoman for yielding me time and for her leadership, and the ranking member for his leadership as well.

This should be a debate, Mr. Speaker, about protecting women against vio-

lence, specifically about protecting pregnant women against violence, and the Lofgren amendment, the Lofgren substitute, does just that. It makes a new and very specific crime against violence to a pregnant woman that injures the fetus or terminates the pregnancy. That is the appropriate way to give such protection to pregnant women.

The underlying bill politicizes this issue. I do not think it is intended to politicize the issue, but it does, because it would give to the fetus a legal status that the courts nor Congress have ever given. It would give to the fetus the same legal status and a separate legal status from the woman, and that is the heart of the abortion debate. By writing their bill in such a fashion, they open up the whole floodgate to the very polarizing and politicized abortion debate that has not moved forward nor helped us deal with the issue at hand.

We should focus on potential injury to the woman, to violence to the pregnant woman, and pass the Lofgren substitute that is carefully written, that is constitutional, that is effective. It avoids the polarizing debate that prohibits us from solving this problem. The Lofgren substitute gets the job done. We should vote for it to protect women.

Ms. LOFGREN. Mr. Speaker, I yield 1½ minutes to the gentlewoman from New York (Ms. SLAUGHTER).

Ms. SLAUGHTER. Mr. Speaker, I thank the gentlewoman for yielding me time.

Mr. Speaker, I rise in strong opposition to H.R. 503. The Unborn Victims of Violence Act is the first volley this term by the anti-choice legislators to restrict a woman's right to choose. This bill would add to the Federal criminal code a separate new offense to punish individuals who injure or cause the death of a child which is in utero, regardless of the stage of development. It sounds innocuous enough, but in essence it is a sham.

No one would argue that an attack on a pregnant woman that results in a miscarriage or an injury is not a tragedy. As one of the most vocal leaders in Congress on behalf of women and families, I have spoken on this House floor numerous times to end violence against women and domestic violence of all sorts.

But that is not what we are talking about here today. H.R. 503 eliminates the mother from the picture. She is of no concern. Instead, it affords an embryo the legal status that should be hers as a human being. Precisely the goal that the authors of H.R. 503 and the National Right to Life Committee seek to achieve is reaching this status.

The supporters candidly admit that their purpose is to recognize the existence of a separate legal person, separate from its mother, before it is born. And supporters rejected a number of alternative tougher ways to address violence against the pregnant woman, each time citing the reason being that

the alternative did not recognize embryonic personage.

Do not be fooled. This is an anti-choice bill disguised as a crime bill. I strongly urge my colleagues to vote for the Lofgren substitute which will provide the same penalties but does not separate the fetus from its mother.

Last Friday, the press reported that President Bush does not intend to launch a frontal attack on *Roe v. Wade* or let his Presidency become mired in this controversy. If that is true, then we hope that we will not see more of these bills. In the meantime, please vote for the Lofgren substitute.

Ms. LOFGREN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I hope that both pro-choice and anti-choice Members of this body will vote for the Lofgren-Conyers substitute. It provides stronger penalties and greater protections in the case of assault on a pregnant woman.

I note, and this is especially important to me and others who have spoken today from personal experience, that the protection will be to those who are in their 6th week of pregnancy, just as in their eighth month of pregnancy, and that is enormously important to us all.

Mr. Speaker, I yield the balance of my time to the distinguished gentleman from Michigan (Mr. CONYERS).

The SPEAKER pro tempore. The gentleman from Michigan is recognized for 3¼ minutes.

Mr. CONYERS. Mr. Speaker, I wanted to thank my colleague, the gentlewoman from California (Ms. LOFGREN), for the splendid substitute that she has let me help her work on, that we hope will bring us all back together.

Just a couple of points: Please let everyone that is voting on this measure know that the substitute is not a penalty enhancement. Lofgren-Conyers is not a penalty enhancement. It provides a new and separate offense for harm to a pregnant woman that can cause injury or termination of her pregnancy.

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It contains two separate offenses. We got that out of the way.

Okay, next. The substitute is tougher on criminals than is H.R. 503. Under the substitute, if a pregnancy is terminated, even unintentionally, the assailant can be sentenced to life in prison. By comparison, H.R. 503, the criminal must intentionally terminate pregnancy in order to get a life sentence. There is a big, big difference there.

Now, to the reality of the matter. Because the major bill, H.R. 503, undermines *Roe v. Wade*, the Senate is not going to take it up. The Senate is not going to take up H.R. 503. We must come to that reality. They did not take it up in the last Congress; they will not take it up in this Congress in its present form. So if my friends on the other side of the aisle really want to protect unborn children, they will join us in supporting the substitute. So we are begging that our colleagues put